

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

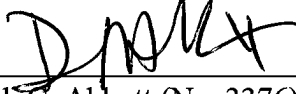
In re:	:	
	:	Chapter 11
	:	
ETOYS, INC., et al.,	:	Case Nos. 01-0706 (MFW)
	:	Through 01-0709 (MFW)
Debtors.	:	
	:	
	X	
ROBERT K. ALBER, <i>Pro Se</i> ,	:	
	:	
Appellant,	:	
	:	
v.	:	Civil Action No. 05-830 (KAJ),
	:	procedurally consolidated with
TRAUB, BONACQUIST & FOX LLP,	:	Civil Action No. 05-0831 (KAJ)
BARRY GOLD, MORRIS NICHOLS	:	
ARSHT & TUNNELL LLP, and POST-	:	
EFFECTIVE DATE COMMITTEE OF	:	
EBC I, INC.,	:	
	:	
Appellees.	:	
	X	

**APPELLEES' MOTION TO DISMISS APPEAL
FOR FAILURE TO PROSECUTE**

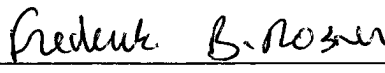
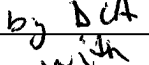
Appellees Traub, Bonacquist & Fox LLP (“TB&F”) and Barry Gold (“Gold”), and Appellee/Cross-Appellant Morris, Nichols, Arsht & Tunnell LLP (“Morris Nichols,” and collectively with TB&F and Gold, the “Appellee Movants”) hereby move (the “Motion”) to dismiss the captioned appeal for the reasons set forth in the Memorandum of Law in Support of Appellee’s Motion To Dismiss Appeal For Failure To Prosecute.

WHEREFORE, the Appellee Movants respectfully request that this Court enter an order in substantially the form annexed to the Motion dismissing the Appeal with prejudice and granting the Appellee Movants such other and further relief as is just and proper.

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